

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

UNITED STATES OF AMERICA,	)	CASE NO. 4:11 CR 101
	)	
Plaintiff,	)	JUDGE DONALD C. NUGENT
	)	
v.	)	
	)	
DAQUANN HACKETT,	)	MEMORANDUM OPINION
	)	AND ORDER
Defendant.	)	

This matter comes before the Court upon Defendant, Daquann Hackett's Motion to Correct Sentence Pursuant to Federal Criminal Rule 35. (ECF #647). Mr. Hackett, through his counsel, claims that he was erroneously sentenced for Count 4 of the Indictment under 18 U.S.C. §924(c)(1)(A)(iii), and that his sentence should have been calculated based on a violation of 18 U.S.C. § 924 (c)(1)(A)(i). Subsection (i) carries a five year mandatory minimum sentence, rather than the ten year mandatory minimum sentence required under subsection (iii). This argument was raised, argued, and addressed at Mr. Hackett's sentencing. (Sentencing Tr. At 18-27, 56). The current motion presents no new information that would impact Mr. Hackett's sentence, and all of the relevant information relating to Mr. Hackett's motion was taken into consideration by the Court when his sentence was imposed. The Court found at sentencing that the jury's verdict, and the evidence presented at trial supported a sentence under 18 U.S.C. §924(c)(1)(A)(iii).

For this reason, and all other reasons previously discussed at his sentencing, Defendant's Motion (ECF #647) is DENIED.

/s/ Donald C. Nugent  
DONALD C. NUGENT  
United States District Judge

DATED: February 27, 2013